

**U.S. District Court
Eastern District of Missouri (St. Louis)
CIVIL DOCKET FOR CASE #: 4:23-cv-01611-SEP**

Elliot v. HBO Home Entertainment Corp. et al
Assigned to: District Judge Sarah E. Pitlyk
Demand: \$75,000
Case in other court: St. Louis City, 2322-CC09423
Cause: 28:1441 Petition for Removal

Date Filed: 12/15/2023
Date Terminated: 09/30/2024
Jury Demand: Plaintiff
Nature of Suit: 360 P.I.: Other
Jurisdiction: Diversity

Plaintiff

Marc Elliot

represented by **Marc Elliot**
5850 Macklind Avenue #1060
St. Louis, MO 63109
Email:
PRO SE

V.

Defendant

HBO Home Entertainment Corp.
a Delaware corporation

represented by **Joseph E. Martineau**
LEWIS RICE LLC – St. Louis
600 Washington Avenue
Suite 2500
St. Louis, MO 63101
314-444-7729
Fax: 314-612-7729
Email: jmartineau@lewisrice.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained
Bar Status: Active

Elizabeth Seidlin-Bernstein
BALLARD SPAHR LLP – Philadelphia
1735 Market Street
51st Floor
Philadelphia, PA 19103
215-988-9774
Email: seidline@ballardspahr.com
ATTORNEY TO BE NOTICED
Designation: Retained
Bar Status: Phv

Kolten Charles Ellis
LEWIS RICE LLC – St. Louis
600 Washington Avenue
Suite 2500
St. Louis, MO 63101
314-444-7750

Email: kellis@lewisrice.com

ATTORNEY TO BE NOTICED

Designation: Retained

Bar Status: Active

Defendant

Jehane Noujaime

an individual

represented by **Joseph E. Martineau**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Retained

Bar Status: Active

Elizabeth Seidlin–Bernstein

(See above for address)

ATTORNEY TO BE NOTICED

Designation: Retained

Bar Status: Phv

Kolten Charles Ellis

(See above for address)

ATTORNEY TO BE NOTICED

Designation: Retained

Bar Status: Active

Defendant

Karim Amer

an individual

represented by **Joseph E. Martineau**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Retained

Bar Status: Active

Elizabeth Seidlin–Bernstein

(See above for address)

ATTORNEY TO BE NOTICED

Designation: Retained

Bar Status: Phv

Kolten Charles Ellis

(See above for address)

ATTORNEY TO BE NOTICED

Designation: Retained

Bar Status: Active

Defendant

The Othrs, LLC

a Florida limited liability company

represented by **Joseph E. Martineau**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Retained

Bar Status: Active

Elizabeth Seidlin–Bernstein
(See above for address)
ATTORNEY TO BE NOTICED
Designation: Retained
Bar Status: Phv

Kolten Charles Ellis
(See above for address)
ATTORNEY TO BE NOTICED
Designation: Retained
Bar Status: Active

Defendant

The Othrs Licensing Corp.
a Florida corporation

represented by **Joseph E. Martineau**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained
Bar Status: Active

Elizabeth Seidlin–Bernstein
(See above for address)
ATTORNEY TO BE NOTICED
Designation: Retained
Bar Status: Phv

Kolten Charles Ellis
(See above for address)
ATTORNEY TO BE NOTICED
Designation: Retained
Bar Status: Active

Defendant

The Square, LLC
a New York limited liability company

represented by **Joseph E. Martineau**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained
Bar Status: Active

Elizabeth Seidlin–Bernstein
(See above for address)
ATTORNEY TO BE NOTICED
Designation: Retained
Bar Status: Phv

Kolten Charles Ellis
(See above for address)
ATTORNEY TO BE NOTICED
Designation: Retained
Bar Status: Active

Defendant

Isabella Constantino
an individual

represented by **Joseph E. Martineau**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained
Bar Status: Active

Elizabeth Seidlin–Bernstein
 (See above for address)
ATTORNEY TO BE NOTICED
Designation: Retained
Bar Status: Phv

Kolten Charles Ellis
 (See above for address)
ATTORNEY TO BE NOTICED
Designation: Retained
Bar Status: Active

Defendant

John Does 1–10

Email All Attorneys
 (will not send to terminated parties)

Email All Attorneys and Additional Recipients
 (will not send to terminated parties)

Date Filed	#	Docket Text
12/15/2023	<u>1</u>	NOTICE OF REMOVAL from St. Louis City, case number 2322–CC09423, with receipt number AMOEDC–10330210, in the amount of \$405 Jury Demand,, filed by HBO Home Entertainment Corp.. (Attachments: # <u>1</u> Exhibit A – State File, # <u>2</u> Exhibit B – Original Filing Form, # <u>3</u> Exhibit C – Civil Cover Sheet)(Martineau, Joseph) (Entered: 12/15/2023)
12/15/2023	<u>2</u>	NOTICE OF FILING NOTICE OF REMOVAL filed by Defendant HBO Home Entertainment Corp. Sent To: Plaintiff (Martineau, Joseph) (Entered: 12/15/2023)
12/15/2023	<u>3</u>	NOTICE OF FILING NOTICE OF REMOVAL filed by Defendant HBO Home Entertainment Corp. Sent To: State Court – Executed (Attachments: # <u>1</u> Exhibit 1 – Notice to State Clerk of Removal, # <u>2</u> Exhibit 2 – efilng confirmation)(Martineau, Joseph) (Entered: 12/15/2023)
12/15/2023	<u>4</u>	ENTRY of Appearance by Joseph E. Martineau for Defendant HBO Home Entertainment Corp.. (Martineau, Joseph) (Entered: 12/15/2023)
12/15/2023	<u>5</u>	ENTRY of Appearance by Kolten Charles Ellis for Defendant HBO Home Entertainment Corp.. (Ellis, Kolten) (Entered: 12/15/2023)
12/15/2023	<u>6</u>	DISCLOSURE STATEMENT by HBO Home Entertainment Corp., Warner Bros. Discovery, Inc., WarnerMedia (Thailand) Limited, Warner Bros. Discovery, Inc... (Martineau, Joseph) (Entered: 12/15/2023)
12/15/2023	<u>7</u>	Petition (Removal/Transfer) Received From: Circuit Court of the City of St. Louis, filed by Marc Elliot. (Attachments: # <u>1</u> Exhibit 1)(JWD) (Entered: 12/15/2023)
12/15/2023	<u>1</u>	

Case Opening Notification. Judge Assigned: Honorable Sarah E. Pitlyk. Pursuant to Local Rule 2.09, every nongovernmental corporate party or nongovernmental corporation that seeks to intervene in any case, and every party or intervenor in an action in which jurisdiction is based upon diversity, must file a Disclosure Statement immediately upon entering its appearance in the case. Please complete and file the certificate as soon as possible. ([moed-0001.pdf](#)). (JWD) (Entered: 12/15/2023)

12/18/2023	<u>8</u>	NOTICE of Filing Deficiency re <u>6</u> Disclosure Statement filed by Defendant HBO Home Entertainment Corp.. In accordance with Eastern District of Missouri Local Rules and the Case Management/Electronic Case Filing (CM/ECF) Procedures Manual, a filing deficiency has been identified as follows: Party filed the Disclosure Statement in this action in which jurisdiction is based on diversity under 28 U.S.C.1332(a) but, did not identify the name and citizenship of every individual or entity whose citizenship is attributed to that party or intervenor, including all members, sub-members, general and limited partners, and corporations. This case was removed based on diversity jurisdiction. Please provide the state of incorporation/formation of the party and its state of primary place of business in section 2 of the form. The Disclosure Statement must be refiled. (CBL) (Entered: 12/18/2023)
12/18/2023	<u>9</u>	AMENDED DISCLOSURE STATEMENT by HBO Home Entertainment Corp., Warner Bros. Discovery, Inc., WarnerMedia (Thailand) Limited.. (Martineau, Joseph) (Entered: 12/18/2023)
12/19/2023	<u>10</u>	ENTRY of Appearance by Joseph E. Martineau for Defendants The Othrs Licensing Corp., The Othrs, LLC, The Square, LLC. (Martineau, Joseph) (Entered: 12/19/2023)
12/19/2023	<u>11</u>	ENTRY of Appearance by Kolten Charles Ellis for Defendants The Othrs Licensing Corp., The Othrs, LLC, The Square, LLC. (Ellis, Kolten) (Entered: 12/19/2023)
12/19/2023	<u>12</u>	ENTRY of Appearance by Joseph E. Martineau for Defendants Karim Amer, Jehane Noujaime. (Martineau, Joseph) (Entered: 12/19/2023)
12/19/2023	<u>13</u>	ENTRY of Appearance by Kolten Charles Ellis for Defendants Karim Amer, Jehane Noujaime. (Ellis, Kolten) (Entered: 12/19/2023)
12/19/2023	<u>14</u>	DISCLOSURE STATEMENT by The Othrs Licensing Corp.. No corporate parents or affiliates identified. (Martineau, Joseph) (Entered: 12/19/2023)
12/19/2023	<u>15</u>	DISCLOSURE STATEMENT by The Square, LLC. No corporate parents or affiliates identified. (Martineau, Joseph) (Entered: 12/19/2023)
12/19/2023	<u>16</u>	DISCLOSURE STATEMENT by The Othrs, LLC. No corporate parents or affiliates identified. (Martineau, Joseph) (Entered: 12/19/2023)
12/19/2023	<u>17</u>	MOTION for Leave to FILE OVERLENGTH BRIEF by Defendants Karim Amer, HBO Home Entertainment Corp., Jehane Noujaime, The Othrs Licensing Corp., The Othrs, LLC, The Square, LLC. (Martineau, Joseph) (Entered: 12/19/2023)
12/19/2023	<u>18</u>	Joint MOTION for Extension of Time to File Answer by Defendants Karim Amer, HBO Home Entertainment Corp., Jehane Noujaime, The Othrs Licensing Corp., The Othrs, LLC, The Square, LLC. (Martineau, Joseph) (Entered: 12/19/2023)
12/20/2023	<u>19</u>	Docket Text ORDER: <u>18</u> AND <u>17</u> ; ORDERED GRANTED. Karim Amer answer due 1/12/2024; HBO Home Entertainment Corp. answer due 1/12/2024; Jehane Noujaime answer due 1/12/2024; The Othrs Licensing Corp. answer due 1/12/2024; The Othrs, LLC answer due 1/12/2024; The Square, LLC answer due 1/12/2024. Signed by District Judge Sarah E. Pitlyk on 12/20/2023. (KEK) (Entered: 12/20/2023)
12/20/2023	<u>20</u>	MOTION for Leave to Appear Pro Hac Vice Elizabeth Seidlin-Bernstein. The Certificate of Good Standing was attached.(Filing fee \$150 receipt number AMOEDC-10338964) by Defendants

		Karim Amer, HBO Home Entertainment Corp., Jehane Noujaime, The Othrs Licensing Corp., The Othrs, LLC, The Square, LLC. (Attachments: # <u>1</u> Certificate of Good Standing)(Seidlin–Bernstein, Elizabeth) (Entered: 12/20/2023)
12/21/2023	<u>I</u>	ORDER RECEIPT: (see receipt) Docket No: 19. Thu Dec 21 09:00:05 CST 2023 (Kratzer, Katie) (Entered: 12/21/2023)
12/21/2023	<u>21</u>	Docket Text ORDER: Re: <u>20</u> MOTION for Leave to Appear Pro Hac Vice Elizabeth Seidlin–Bernstein. The Certificate of Good Standing was attached.(Filing fee \$150 receipt number AMOEDC–10338964) by Defendants Karim Amer, HBO Home Entertainment Corp., Jehane Noujaime, The Othrs Licensing Corp., The Othrs, LLC, The Square, LLC. (Attachments: # <u>1</u> Certificate of Good Standing)(Seidlin–Bernstein, Elizabeth) filed by The Othrs Licensing Corp., HBO Home Entertainment Corp., Jehane Noujaime, The Othrs, LLC, The Square, LLC, Karim Amer; ORDERED GRANTED. Signed by District Judge Sarah E. Pitlyk on 12/21/2023. (KEK) (Entered: 12/21/2023)
12/21/2023	<u>I</u>	ORDER RECEIPT: (see receipt) Docket No: 21. Thu Dec 21 10:38:19 CST 2023 (Kratzer, Katie) (Entered: 12/21/2023)
12/21/2023	<u>22</u>	Request for Electronic Noticing from Plaintiff. Email Address will be added to the party's record. (KEK) (Entered: 12/21/2023)
12/21/2023	<u>I</u>	***REMARK: Summons returns received that were previously filed in the state case before or at the time of removal as to Karim Amer, The Square LLC, and Jehane Nojaime. These defendants already have entered counsel. (KEK) (Entered: 12/21/2023)
12/22/2023	<u>23</u>	ENTRY of Appearance by Joseph E. Martineau for Defendant Isabella Constantino. (Martineau, Joseph) (Entered: 12/22/2023)
12/22/2023	<u>24</u>	ENTRY of Appearance by Kolten Charles Ellis for Defendant Isabella Constantino. (Ellis, Kolten) (Entered: 12/22/2023)
12/22/2023	<u>25</u>	MOTION for Extension of Time to File Answer by Defendant Isabella Constantino. (Martineau, Joseph) (Entered: 12/22/2023)
12/22/2023	<u>26</u>	MOTION for Leave to <i>FILE OVERLENGTH BRIEF</i> by Defendant Isabella Constantino. (Martineau, Joseph) (Entered: 12/22/2023)
12/22/2023	<u>27</u>	ENTRY of Appearance by Elizabeth Seidlin–Bernstein for Defendant Isabella Constantino. (Seidlin–Bernstein, Elizabeth) (Entered: 12/22/2023)
12/22/2023	<u>28</u>	Docket Text ORDER: Re: <u>25</u> MOTION for Extension of Time to File Answer by Defendant Isabella Constantino. (Martineau, Joseph) filed by Isabella Constantino; ORDERED GRANTED. Isabella Constantino answer due 1/12/2024. Signed by District Judge Sarah E. Pitlyk on 12/22/2023. (KEK) (Entered: 12/22/2023)
12/26/2023	<u>29</u>	Docket Text ORDER: Re: <u>26</u> MOTION for Leave to <i>FILE OVERLENGTH BRIEF</i> by Defendant Isabella Constantino. (Martineau, Joseph); ORDERED GRANTED. Signed by District Judge Sarah E. Pitlyk on 12/26/2023. (KRZ) (Entered: 12/26/2023)
01/10/2024	<u>30</u>	NOTICE of Filing Deficiency re <u>15</u> Disclosure Statement, <u>16</u> Disclosure Statement filed by Defendants The Othrs, LLC, The Square, LLC. In accordance with Eastern District of Missouri Local Rules and the Case Management/Electronic Case Filing (CM/ECF) Procedures Manual, a filing deficiency has been identified as follows: Party filed the Disclosure Statement in this action in which jurisdiction is based on diversity under 28 U.S.C.1332(a) but, did not identify the name and citizenship of every individual or entity whose citizenship is attributed to that party or intervenor, including all members, sub–members, general and limited partners, and corporations. Section 2 must include the state of incorporation/formation AND the state of primary place of

		business for the named defendant. The Disclosure Statements must be refiled. (ANR) (Entered: 01/10/2024)
01/12/2024	<u>31</u>	MOTION to Dismiss Case by Defendants Karim Amer, Isabella Constantino, HBO Home Entertainment Corp., Jehane Noujaime, The Othrs Licensing Corp., The Othrs, LLC, The Square, LLC. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Decl. of Karim Amer., # <u>3</u> Decl. of Isabella Constantino, # <u>4</u> Decl. of Samantha Grande, # <u>5</u> Decl. of Jehane Noujaime, # <u>6</u> Decl. of Lisa Heller, # <u>7</u> Ex. A to Heller Decl. – video)(Seidlin–Bernstein, Elizabeth) (Entered: 01/12/2024)
01/12/2024	<u>32</u>	SUPPLEMENTAL re <u>31</u> MOTION to Dismiss Case <i>Exhibit Key</i> by Defendants Karim Amer, Isabella Constantino, HBO Home Entertainment Corp., John Does 1–10, Jehane Noujaime, The Othrs Licensing Corp., The Othrs, LLC. (Seidlin–Bernstein, Elizabeth) (Entered: 01/12/2024)
01/16/2024	<u>33</u>	EXHIBIT A RE Doc <u>31</u> Received; DVD will be maintained in the Clerk's Office: by Defendants Karim Amer, Isabella Constantino, HBO Home Entertainment Corp., Jehane Noujaime, The Othrs Licensing Corp., The Othrs, LLC, The Square, LLC. (NEP) (Entered: 01/17/2024)
02/09/2024	<u>34</u>	RESPONSE to Motion re <u>31</u> MOTION to Dismiss Case filed by Plaintiff Marc Elliot. (NEP) (Entered: 02/09/2024)
02/20/2024	<u>35</u>	REPLY to Response to Motion re <u>31</u> MOTION to Dismiss Case filed by Defendants Karim Amer, Isabella Constantino, HBO Home Entertainment Corp., Jehane Noujaime, The Othrs Licensing Corp., The Othrs, LLC, The Square, LLC. (Seidlin–Bernstein, Elizabeth) (Entered: 02/20/2024)
05/06/2024	<u>36</u>	RULE 16 ORDER This case is assigned to Track: 2 Joint Scheduling Plan due by 6/11/2024. Rule 16 Conference set for 6/21/2024 11:30 AM in Courtroom 16N – St. Louis before District Judge Sarah E. Pitlyk.. Signed by District Judge Sarah E. Pitlyk on 5/6/2024. (NEP) (Entered: 05/06/2024)
06/10/2024	<u>37</u>	MOTION for Extension of: Time to File Joint Scheduling Plan by Plaintiff Marc Elliot. (NEP) (Entered: 06/10/2024)
06/11/2024	<u>38</u>	CONSENT to <u>37</u> MOTION for Extension of: Time to File Joint Scheduling Plan by Defendants Karim Amer, Isabella Constantino, HBO Home Entertainment Corp., Jehane Noujaime, The Othrs Licensing Corp., The Othrs, LLC, The Square, LLC.. (Martineau, Joseph) (Entered: 06/11/2024)
06/12/2024	<u>39</u>	Docket Text ORDER: Plaintiff's Unopposed Motion for Extension of Time to File Joint Scheduling Plan, Doc. [<u>37</u>], is ORDERED GRANTED, and the Rule 16 is VACATED. If an attorney has not entered an appearance on behalf of Plaintiff within 45 days from this date, the Rule 16 will be reset by further order of the Court at that time. Signed by District Judge Sarah E. Pitlyk on 6/12/2024. (NEP) (Entered: 06/12/2024)
07/22/2024	<u>40</u>	NOTICE of Change of Address by Plaintiff Marc Elliot. (KRZ) Address updated on 7/22/2024 (CMC). (Entered: 07/22/2024)
07/26/2024	<u>41</u>	MOTION for Extension of Time to find Representation by Plaintiff Marc Elliot. (KRZ) (Entered: 07/26/2024)
09/30/2024	<u>42</u>	MEMORANDUM AND ORDER... IT IS HEREBY ORDERED that Defendants' motion to dismiss for failure to state a claim upon which relief can be granted, is DENIED without prejudice to refile in light of this Memorandum and Order, and Defendants' motion to transfer venue is GRANTED. See Doc. [<u>31</u>]. IT IS FURTHER ORDERED that that the Clerk of Court transfer this case to the United States District Court for the Southern District of New York. See 28 U.S.C. § 1406(a). (Case to be transferred after 10/14/2024.) Signed by District Judge Sarah E. Pitlyk on 9/30/2024. (NEP) (Entered: 10/01/2024)
10/01/2024	<u>I</u>	ORDER RECEIPT: (see receipt) Docket No: 42. Tue Oct 1 18:21:19 CDT 2024 (Phillips, Nicole) (Entered: 10/01/2024)